

REMARKS

I. Introduction

With the addition of new claims 37 to 56 and the cancellation of claim 26 without prejudice, claims 17 to 25 and 27 to 56 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicant thanks the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

II. Rejection of Claims 17 to 36 Under 35 U.S.C. § 102(e) -- Fischer

Claims 17 to 36 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2003/0014194 ("Fischer"). It is respectfully submitted that Fischer does not anticipate the present claims for at least the following reasons.

As an initial matter, U.S. Patent Application Publication No. 2003/0014194 is the national stage of PCT International Patent Application No. PCT/DE01/00738, having an international filing date after November 29, 2000. PCT International Patent Application No. PCT/DE01/000738 was published in German as WO 01/064319 (as referenced in the Information Disclosure Statement filed herewith). U.S. Patent Application Publication No. 2003/0014194 published on January 16, 2003, which is after the September 18, 2002 priority date of the present application. A certified English-language translation of the priority document, i.e., German Application No. 102 43 270.8, is submitted herewith. As such, U.S. Patent Application Publication No. 2004/0095151 does not constitute prior art against the present application under 35 U.S.C. § 102(e) or otherwise. Withdrawal of this rejection is therefore respectfully requested.

Notwithstanding the foregoing, it is respectfully submitted that Fischer does not anticipate the present claims for the following additional reasons. Claim 17 has been amended herein without prejudice to include features included in claim 26, which has been canceled herein without prejudice. In this regard, claim 17 recites that the at least one oxidation catalytic converter is arranged as a catalytically coated particle filter. Claim 28 has been amended herein without prejudice in analogous manner. A catalytically coated particle filter differs from a standard catalytic

converter, which is a flow-through device, in that the exhaust gas stream interfuses at least one intermediate wall of the filter. This structure provides both effective filtration of particles of soot from the exhaust gas stream and oxidizing carbon monoxide to carbon dioxide and hydrocarbons to water and carbon dioxide. A flow-through device, as is described by Fischer (see, e.g., paragraph 0029) cannot function effectively as a particle filter. Fischer does not disclose, or even suggest, using a catalytically coated particle filter. As such, it is respectfully submitted that Fischer does not anticipate claims 17 and 28 or any claim that depends from claim 17 or 28.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 17 to 36 Under 35 U.S.C. § 102(e): Wu et al.

Claims 17 to 36 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,293,097 ("Wu et al."). It is respectfully submitted that Wu et al. do not anticipate the present claims for at least the following reasons.

As indicated above, claim 17 has been amended herein without prejudice to recite that the at least one oxidation catalytic converter is arranged as a catalytically coated particle filter. Claim 28 has been amended herein without prejudice in analogous manner. A catalytically coated particle filter differs from a standard catalytic converter, which is a flow-through device, in that the exhaust gas stream interfuses at least one intermediate wall of the filter. This structure provides both effective filtration of particles of soot from the exhaust gas stream and oxidizing carbon monoxide to carbon dioxide and hydrocarbons to water and carbon dioxide. A flow-through device cannot function effectively as a particle filter. Wu et al. do not disclose, or even suggest, using a catalytically coated particle filter. As such, it is respectfully submitted that Wu et al. do not anticipate claims 17 and 28 or any claim that depends from claim 17 or 28.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

IV. New Claims 37 to 56

New claims 37 to 56 have been added herein. It is respectfully submitted that claims 37 to 56 add no new matter and are fully supported by the

present application, including the Specification. Furthermore, independent claims 37 and 46 include features analogous to independent claims 17 and 28, respectively. Claims 38 to 45 depend from claim 37 and claims 47 to 56 depend from claim 46. As such, it is respectfully submitted that claims 37 to 56 are patentable over the references relied upon for at least the same reasons as set forth above.

V. **Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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